

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

**PRINCE FASHIONS, INC.,**

Case No. 19-23079-rdd

Debtor.

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**PRINCE FASHIONS, INC.,**

Plaintiff,

v.

Adv. Pro. No. 19-08714-rdd

**60G 542 BROADWAY OWNER, LLC  
AND 542 HOLDING CORP.,**

Defendants.

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**CORRECTED ORDER DISMISSING ADVERSARY COMPLAINT**

UPON the motion, dated January 17, 2020 (the “Dismissal Motion”) of 60G 542 Broadway Owner, LLC (“Defendant”) for the entry of an order dismissing the adversary complaint in this proceeding (the “Complaint”) filed by Prince Fashions, Inc. (“Plaintiff”) pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable by Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, and the Declaration of Nolan Shanahan in support of the Dismissal Motion, dated January 16, 2020; and upon the Plaintiff’s response in opposition to the Dismissal Motion, dated February 10, 2020 (the “Response”); and upon the Defendant’s reply to the Response, dated March 9, 2020 (the “Reply”), and the Declaration of Nolan Shanahan in support of the Reply, dated March 9, 2020; and the Court having determined it has subject matter jurisdiction to consider the relief requested therein pursuant to 28 U.S.C. §§ 157(a)-(b) and 1334; and the Court having determined that the relief constitutes a core proceeding under 28 U.S.C. § 157(b); and the Court having

determined that venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409, and that notice of the Dismissal Motion was proper and that no further notice is required; and upon the record of the hearing held by the Court on the Dismissal Motion on July 14, 2020; and after due deliberation and for the reasons stated by the Court in its bench ruling at the hearing, the Court having determined that the Dismissal Motion should be granted as provided herein; and good and sufficient cause appearing therefor, it is

**ORDERED**, that the Dismissal Motion is granted to the extent set forth herein; and it is further

**ORDERED**, that the Complaint fails to state a claim under Fed. R. Civ. P. 12(b)(6) and it is dismissed without prejudice; and it is further

**ORDERED**, that the Plaintiff shall have until August 28, 2020, that date being 45 days from the date of the hearing held on July 14, 2020, to file a motion for leave to amend the Complaint (“Motion for Leave to File Amended Complaint”) attaching a blackline showing the proposed changes to the Complaint; and it is further

**ORDERED**, that if the Plaintiff fails to file a Motion for Leave to File Amended Complaint by August 28, 2020, the Complaint shall be deemed to be dismissed with prejudice; and it is further

**ORDERED**, that this Court shall retain jurisdiction with respect to this Order.

**DATED:** White Plains, New York  
July 24, 2020

*/s/Robert D. Drain*

**Honorable Robert D. Drain**  
**United States Bankruptcy Judge**